

Serial No.: 09/272,190

REMARKS

Claims 32 through 41 are now pending in this application. Claims 29 through 31 have been canceled. Claims 1 through 28 were canceled by prior amendments.

Claims 29 through 31 have been canceled not as a concession as to the propriety of the outstanding rejection but in order to simplify the issues in this application. Claim 41 has been amended to now depend from claim 32.

Claims 32 through 41 are directed to adding electrical heating elements to an existing road surface. Claim 32 as amended substitutes the phrase "an existing pavement surface" for the term ---road-- . The purpose of this amendment is to broaden the scope of the claim to cover other paved surfaces such as sidewalks or airport runways.

Applicant requests reconsideration of the outstanding office action as applied to claims 32 through 41. The reference of Jones has no relation to the method of the claimed invention and the combination of Jones with "Overlays on Deck" is clearly based on hindsight in view of Applicant's disclosure. Gemmer fails to cure the deficiencies of Jones and "Overlays on Deck" and it is respectfully requested that the rejection based upon these references be withdrawn.

It is respectfully submitted that the subject application is in condition for allowance. Accordingly, Applicant respectfully requests that the subject application be passed to issuance without delay.

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This amendment is being submitted with a request for a two month extension of time to respond and a check in the amount of \$210.00. It is believed that this is sufficient for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 13-2759, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Date: 12-24-03

Respectfully submitted,



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